

AMENDED IN SENATE APRIL 18, 2006

SENATE BILL

No. 1608

Introduced by Senator Simitian

February 24, 2006

An act to add Section ~~99166~~ to the ~~Public Utilities~~ *186 to the Streets and Highways* Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1608, as amended, Simitian. ~~Public—transit districts~~*Transportation: landscaping projects.*

Existing law provides for the ~~establishment of, and imposes various requirements on public transit districts~~ *allocation of state funds for various purposes related to state and local highways and transportation and transit projects.*

This bill would require ~~a transit district that receives state funds that will be used for landscaping to design the landscaping using California native plants and other water-saving plants in consultation with the local native plant society or the Resources Agency~~ *the Department of Transportation, regional transit planning agencies, county transit commissions, and other transit or transportation districts or operators, that receive state funds for new or rehabilitated landscaping projects to select regionally appropriate indigenous plants, as specified.*

Because this bill would impose additional duties on ~~public local transportation and transit—districts~~ *entities*, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 99166 is added to the Public Utilities~~
2 ~~Code, to read:~~
3 ~~99166. Any transit district that receives state funds that will~~
4 ~~be used for landscaping shall design the landscaping using~~
5 ~~California native plants and other water-saving plants in~~
6 ~~consultation with the local native plant society or the Resources~~
7 ~~Agency.~~
8 ~~SECTION 1. Section 186 is added to the Streets and~~
9 ~~Highways Code, to read:~~
10 ~~186. (a) The department, regional transit planning agencies,~~
11 ~~county transit commissions, and other transit or transportation~~
12 ~~districts or operators that receive state funds for new or~~
13 ~~rehabilitated landscaping projects shall select only regionally~~
14 ~~appropriate indigenous plants. In new or rehabilitated~~
15 ~~landscaping projects where the use of indigenous plants is not~~
16 ~~feasible, these entities shall select other regionally appropriate,~~
17 ~~low-water-using, noninvasive, low-maintenance and~~
18 ~~pest-resistant plants. Plant selections shall be consistent with the~~
19 ~~recommendations of a local or state nonprofit organization,~~
20 ~~educational institution or other entity with expertise in the types~~
21 ~~of plants specified in this section.~~
22 ~~(b) For the purpose of this section, “regionally appropriate”~~
23 ~~means plants that are compatible with the climatic, geologic,~~
24 ~~topographic, and soil conditions of the site. Specifically~~
25 ~~regarding indigenous plants, “regionally appropriate” also~~
26 ~~means plants selected from indigenous plants from the areas of~~
27 ~~the project. “Feasible” means capable of being accomplished in~~
28 ~~a successful manner within a reasonable period of time, taking~~

1 *into account economic, environmental, social, and technological*
2 *factors.*

3 SEC. 2. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

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